

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00339

**Jeffery Allison Eldridge,**  
*Petitioner,*

v.

**United States of America,**  
*Respondent.*

**ORDER**

Petitioner Jeffery Eldridge, a federal inmate currently confined at U.S. Penitentiary Leavenworth proceeding pro se, filed this 28 U.S.C. § 2255 proceeding challenging his conviction. The case was referred to United States Magistrate Judge John D. Love. On August 26, 2021, the magistrate judge issued a report recommending that petitioner's § 2255 motion be denied and that the case be dismissed with prejudice. The magistrate judge also recommended that petitioner be denied a certificate of appealability sua sponte. Doc. 10. Petitioner filed timely objections. Docs. 11, 12.

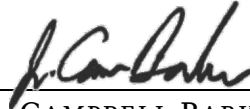
When timely objections to a magistrate judge's report and recommendation are filed, the court reviews them de novo. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Here, petitioner's objections confirm the correctness of the magistrate judge's report. The petitioner failed to overcome his own sworn words articulated during his plea hearing. *See United States v. Perez*, 690 F. App'x 191, 192 (5th Cir. 2017) ("A defendant's solemn declarations in open court carry a strong presumption of truth.") (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977)); *see also United States v. Raetzsch*, 781 F.2d 1149, 1151 (5th Cir. 1986) (holding that there must be some independent indicia of the likely merit of petitioner's contentions; mere

contradiction of the statements made at the guilty plea proceeding will not suffice).

Having reviewed the magistrate judge's report de novo, the court accepts its findings and recommendation with the following amendments on pages four and seven. The sentence "[h]owever, Eldridge replied that he did have any problems with the hearing" is amended to say "[h]owever, Eldridge replied that he did not have any problems with the hearing." Doc. 10 at 4, 7. Petitioner's objections are overruled. The § 2255 motion is denied, the proceeding is dismissed with prejudice, and petitioner is further denied a certificate of appealability sua sponte. All motions pending in this civil action are denied.

*So ordered by the court on October 1, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge